

### **REMARKS/ARGUMENTS**

Reconsideration and allowance are respectfully requested in view of the following remarks.  
No new matter is added by the amendments herein.

#### **Interview Summary**

The undersigned thanks Examiner Baig for taking the time to conduct a telephone interview on December 29, 2009. During the interview, claim 1 was discussed in connection with the Fichet reference. In particular, the undersigned and Examiner Baig discussed the disclosure of Fichet's SetUp application and whether it is run responsive to initial connection of a television. While no agreement was reached as to that discussion, the Examiner did indicate that amending claim 1 to include a feature of determining whether an HDTV is in fact an HDTV would appear to overcome the present rejections. This feature is supported in the specification by, for example, Fig. 2 element 206.

Accordingly, while Applicant still respectfully disagrees with the interpretation of Baig as set forth in the Office Action, Applicant has amended claim 1 in the manner discussed so as to expedite allowance. Applicant has also amended the other independent claims in a similar manner.

Applicant has further amended the claims for various reasons unrelated to patentability. For instance, in claim 1, "set top box" is changed to "video receiving device."

#### **Claim Rejections**

Claims 1, 2, 6, 9-13, and 18-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0120384 to Stone, et al. ("Stone") in view of U.S. Patent Application Publication No. 2002/0184643 to Fichet ("Fichet").

Applicant respectfully traverses this rejection for the following reasons.

#### **Independent Claim 1**

Independent claim 1 recites:

a video receiving device configured to be coupled to a video service provider headend and comprising an interconnect, wherein the video receiving device and the HDTV are configured such that responsive to the interconnect of the HDTV

being initially electrically coupled to the interconnect of the video receiving device, the HDTV presents a data signal to the video receiving device, the video receiving device determines whether the HDTV is in fact an HDTV, and responsive to determining that the HDTV is an HDTV, the video receiving device presents the data signal to the headend.

As discussed during the interview, neither Stone nor Fichet, either alone or in combination, teaches or suggests that a “video receiving device determines whether the HDTV is in fact an HDTV, and responsive to determining that the HDTV is an HDTV, the video receiving device presents the data signal to the headend,” as now recited in claim 1.

**Independent Claims 11, 20, 21, and 24**

It is submitted that independent claims 11, 20, 21, and 24 as amended are also allowable over Stone and Fichet for at least similar reasons as discussed above with regard to claim 1.

**Dependent Claims**

The dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein.

**Conclusion**

All rejections having been addressed, it is submitted that the present application is in condition for allowance. The Examiner is invited to telephone the undersigned with any questions.

Respectfully submitted,

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